Registered No. M.—1175.

The Mysore Gazette.

Vol. 61.] PUBLISHED BY AUTHORITY. [No. 34.

BANGALORE, THURSDAY, AUGUST 26, 1926.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. L. 1311—*L. B.* 25-26-3, *Dated Bangalore,* 21*st August* 1926.

In supersession of the rules in force on the subject and in exercise of the powers conferred by Sections 7, 8, 13 and 100 (2) (*b*) of the Mysore District Boards' Regulation and all other powers in this behalf, the following rules for regulating the election of members to District Boards are made by the Government :—

1. *General Constituencies.*—(1) Every Revenue Taluk and Sub-Taluk (excluding Municipalities and the area under the control of the Sanitary Board, Kolar Gold Fields) in a District, shall form a separate general constituency and shall be described by the name of the Taluk or Sub-Taluk concerned. The electorate in every general constituency of a Sub-Taluk will elect one member to the District Board and in that of every Taluk, two members, provided that in each of the constituencies noted below three members will be elected to the District Board :—

1. Bangalore.
2. Kolar.
3. Goribidnur.
4. Tumkur.
5. Gubbi.
6. Maddagiri.
7. Mysore.
8. Seringapatam.
9. Hunsur.
10. Mandya.
11. Hassan.
12. Arsikere.
13. Manjarabad.
14. Channarayapatna.
15. Shimoga.
16. Sagar.
17. Sorab.
18. Thirthahalli.
19. Chickmagalur.
20. Kadur.
21. Koppa.
22. Davangere.

(2) Each of the Jaghirs of Yelandur and Sringeri excludin Municipalities shall form a general constituency and will return one member to the District Board.

2. *Special Constituencies.*—Any association in a District which is registered under the Societies Registration Regulation No. III of 1904 and is also enfranchised by the Government on the recommendation of the Deputy Commissioner for representing the following interests, *viz.*, Inamdars, Planters, Agriculturists, or Industries, Commerce, Education, Law or such other interests as are approved by Government shall form a special constituency.

3. Each special constituency may elect a member to the District Board provided that the total number of members elected by special constituencies shall not exceed one-fourth of the total number of elected members of the Board.

4. *Enfranchisement of associations.*—No association will be enfranchised that does not fulfil the following conditions, but an association will not become entitled to be enfranchisd solely by reason of fulfilling the conditions :—

(*a*) The association must have been formed for the furtherance of any of the interests stated in rule 2 and it must be an active one doing substantial work to promote such interest.

(*b*) The number of members on the roll of the association shall not be less than one hundred, provided that the Government may for special reasons allow an association containing less than one hundred members to elect a member to the District Board.

(*c*) Applications for enfranchisement shall be submitted to Government through the Deputy Commissioner at least four months before the commencement of the term of the District Board and shall be accompanied by a copy of the rules or bye-laws and the following particulars :—

(i) Object of the association.
(ii) A list of members with the particulars required under rule 7.
(iii) Income from membership and other sources.
(iv) The assets of the association.

5. The franchise given to an association shall expire at the end of the term of the District Board and the privilege of representation shall be liable to be revoked if the association ceases to exist or infringes any of the conditions specified in rule 4.

6. *Qualifications of voters in special constituencies.*—Subject to the provisions of sections 9 and 10 of the Regulation, every member of an association enfranchised by the Government shall be qualified to vote at an election of a member by the constituency to the District Board.

7. *List of voters.*—A list of voters for every constituency containing the following particulars shall be prepared by the Amildar or Deputy Amildar in the case of a general constituency, and by the Secretary to the association in the case of a special constituency and shall be submitted to the Deputy Commissioner :—

1. Polling station.
2. Hobli.
3. Village.
4. Serial number.
5. Name.
6. Father's name.
7. Age.
8. Occupation.
9. Qualification as a voter.
10. Whether qualified to be a candidate.
11. Remarks.

8. *Publication of list,*—(1) A copy of the list in Kannada after being approved by the Deputy Commissioner shall be affixed in some conspicuous place in the office of the Amildar or the Deputy Amildar in the case of a general constituency three months before the date fixed for a general election of members to the District Board under sub-section (1) of Section 13 of the Regulation.

(2) The list of voters of a special constituency shall be published in the office of the Secretary to the association, two months before the date of election.

9. *Objections and claims.*—Within a period of two weeks after the publication of the list of voters of a general constituency and one week in the case of a special constituency, any person may apply in writing to the Deputy Commissioner, claiming that his name be included in the list and any person whose name is included in the list may apply in writing to the Deputy Commissioner objecting to

the inclusion of his name or of the name of any other person in the list.

10. *Disposal of objections and claims.*—An enquiry into such claim or objection will be made by the Deputy Commissioner personally or by some other officer deputed by him not below the grade of an Assistant Commissioner, who will pass an order in writing rejecting or admitting the claim or objection as the case may be. The order of the Deputy Commissioner shall be final.

11. *Revision of list.*—The list shall be amended in accordance with the orders, if any, passed under rule 10 and the Deputy Commissioner may also cause any erroneous entries in the list to be corrected, provided that the name of any person shall not be removed from the list, without an opportunity being given to hear him.

12. *Publication of the revised list.*—The revised list shall be published in the manner prescribed in rule 8, at least six weeks before the date of the general election.

13. *Polling stations.*—The Deputy Commissioner shall divide every general constituency into as many polling areas as may be necessary. He shall fix a polling station for each such area and for each special constituency. The polling station for each voter shall be stated in the list prepared under rule 7 and no person shall be permitted to vote at any polling station except the one allotted to him.

14. *Date of election.*—When the election is for the constitution or reconstitution of a District Board, the date of election shall be at least one month before the date of the commencement of its term.

15. *Publication of date, place etc., of election.*—At least six weeks before the date fixed for election, the Deputy Commissioner shall publish in English and Kannada in the Mysore Gazette a notice containing the following particulars:—

1. The place, date, and hour of election.

2. The latest date for the receipt of applications for candidature.

A copy of such notice shall be posted up in some conspicuous spot in the offices of the Deputy Commissioner, the President of the District Board and the Amildar or the Deputy Amildar and of the Secretary to the association concerned in the case of special constituencies and it may also be published in such other manner as the Deputy Commissioner may deem fit.

16. *Intimation of candidature.*—Within a week of the publication of the revised list under rule 12, every candidate shall intimate to the Deputy Commissioner in writing, the constituency in which he intends to stand for election.

17. *Publication of list of candidates.*—(1) The Deputy Commissioner shall cause a list of the names of the eligible candidates to be published in English and Kannada under his signature, not less than one month before the date of the election, in the offices of the Deputy Commissioner, the President of the District Board, the Amildar or the Deputy Amildar as the case may be, and also of the Secretary to the association concerned in the case of a special constituency.

(2) The Deputy Commissioner shall assign to each such candidate a symbol which shall be published with the list referred to in sub-rule (1).

18. *Withdrawal of candidature.*—Any person whose name is included in the list of candidates published under rule 17, may withdraw his candidature by notice in writing signed by himself and delivered to the Polling Officer and every withdrawal shall be notified by the Polling Officer at the polling station and the name of such candidate shall be removed from the ballot paper. When such withdrawal has the effect of leaving the election non-contested, the Polling Officer shall close the poll and report the fact to the Deputy Commissioner.

19. *Omission of names of candidates in cases of death.*—If a person whose candidature has been published under rule 17 dies before the poll has commenced, the Polling Officer on being satisfied of the fact of death shall remove the name of such candidate from the ballot paper.

20. *Display of list of candidates.*—On the day of election, the list of candidates and the symbols assigned for them shall be displayed prominently at the polling station for the information of the voters.

21. *Polling Officer.*—The polling shall be conducted in the case of a general constituency by the Amildar or the Deputy Amildar or an officer appointed by the Deputy Commissioner in this behalf, and in the case of a special constituency by such person as may be appointed in this behalf by the Deputy Commissioner.

22. *Assistance to the Polling Officer.*—The Deputy Commissioner shall also nominate one or two non-officials who are not interested in the candidates, as associates with the Polling Officer for assisting him in conducting the poll. The Patel and the Shanbhog of each village in the polling area in which the election is held, shall, unless prevented by sickness or other reasonable cause, be present at the polling station during the election, from the beginning to the end thereof, and render the Polling Officer such assistance as he may require in conducting it.

23. *Voters to attend polling station.*—There shall be no voting by proxy and every voter desirous of recording his vote shall attend personally at the polling station at which he is entitled to vote on the date appointed for the election and between such hours as may have been fixed by the Deputy Commissioner under rule 15.

24. *Identity of voters.*—When a voter presents himself at the Polling station, the Polling Officer shall satisfy himself as to the identity of such person and may refuse the vote of any person who declines to answer any reasonable question put to him for this purpose or whose identity is not established to his satisfaction. When the Polling Officer is satisfied as to the identity of the voter he shall give the voter his voting paper.

25. *Form of voting paper.*—The voting paper shall be in the following form :—

VOTING PAPER.

Counterfoil Serial No. — Outerfoil (Front)

District Board of — Constituency

Name of constituency	Name of candidate	Symbol (Pictures and not words to be printed)	Cross X
Name of polling station			
Serial number of voter in the list.	1		
	2		
	3		
	4		
	5		

Signature or thumb impression.

(Back of counterfoil)

(1) The number of members to be elected is.....

(2) Place a cross mark thus X against $\frac{\text{the candidate}}{\text{each of the candidates}}$ for whom you wish to vote.

(3) The mark should be placed against not more than $\frac{\text{name}}{\text{names}}$

26. *Procedure to be followed in taking ballot.*—No voter shall be allowed to vote who does not arrive at the polling station before the closing time appointed for the election and all voters who arrive at the polling station before such time shall be entitled to have their voting paper and record their votes even though such recording shall not be completed before the closing time.

27. (*a*) The voter shall proceed to a place screened from observation which shall be provided by the Polling officer and there mark his vote on the voting paper in accordance with the instructions contained therein.

(*b*) The instructions which will be in Kannada, should be clearly explained to any voter requiring such explanation.

(*c*) If a voter is unable to read or write or is, by reason of blindness or other physical defect, incapacitated from recording his vote, the Polling Officer shall assist him, if so desired, in marking the vote on the voting paper and a record of the same shall be made on the voting paper and attested by the Polling Officer.

(*d*) The ballot box shall be so constructed that the voting paper can be introduced but not extracted without the box being unlocked. It shall be shown empty to such candidates as are present at the polling station before the voting commences and shall then be securely locked and sealed by the Polling Officer with his seal.

(*e*) The voting paper should be folded and closed and put into the ballot box by the voter himself.

(*f*) Votes should be recorded with absolute secrecy and no person who is not entitled to vote should be admitted near the voting table and persons who have voted should leave the place immediately.

(*g*) (1) The candidates or others on their behalf shall not speak to or address any intending voter in the ante-room, but may only address the Polling Officer in regard to objections to a voter on any of the following gounds :—

(*a*) that his name is not in the list of voters of the constituency in respect of which the election is being held ;

(*b*) that his claim to be a certain voter shown in the list of voters is false ;

(*c*) that he has already voted.

(2) Any person breaking this rule may be expelled from the ante-room by the Polling Officer and shall not be readmitted during the election.

(*h*) After the close of the poll in the case of a special constituency, the polling officer shall forth with have the voting papers scrutinised and the votes counted and announce the results.

(*i*) In the case of a general constituency, the Polling Officer shall, after the close of the poll, have the box covered and sealed with his own seal as well as those of such of the candidates, if any, as may wish to do so and arrange for its safe despatch to the Taluk or Sub-Taluk Headquarters. The box shall be opened by the Amildar or the Deputy Amildar in a place to which the candidates shall have access at the Taluk office on the same day, if the box is received before 5 P.M. and on the following day after 11 A.M., if the box is received later than 5 P.M., and the votes shall then be scrutinised in the presence of the candidates that are present at the time.

(*j*) The Valid votes shall be counted by such persons, other than the candidates, as may be appointed by the Amildar, Deputy Amildar or the Polling Officer as the case may be in this behalf, provided that (1) any vote which is not recorded in accordance with the foregoing instructions shall be declared invalid, (2) votes given in favour of any person whose name is not included in the list of candidates displayed under rule 20 shall not be counted (3) any voting paper which is not duly marked or on which votes are given to more candidates than there are members to be elected shall be invalid, (4) if there are more marks than one against any candidate, they shall count as only one, and (5) if the mark or any one of the marks is so placed as to render it doubtful to which candidate such mark is intended to apply, the vote concerned but not the whole voting paper shall be invalied.

28. *Result of ballot and its announcement.*—When the counting ofthe votes has been completed, the result shall forthwith be announced. The candidate or candidates securing the highest number of votes shall be deemed to be elected and in cases (falling under sub-section (4) of section 3 of the Regulation,) where two or more candidates have secured an equal number of highest votes, the result shall be determined by lot in such manner as the Polling Officer or the Amildar or the Deputy Amildar deems fit. The result of the ballot shall be reported with the least possible delay to the Deputy Commissioner.

29. *Publication of results of election.*—The Deputy Commissioner shall cause a list of the names of the successful candidates at all elections in the District to be published in his office, in the office of the District Board, and in the office of the Amildar or Deputy Amildar and also in the case of special constituencies in the office of the association concerned.

30. *Multiple elections.*—In the event of any person being elected for two or more constituencies, such person shall be at liberty to choose the constituency which he will represent and intimate the same to

the Deputy Commissioner within 3 days after the date of the publication of the results under rule 29, and in default of his doing so, he shall represent such of the constituencies in the District as the Deputy Commissioner shall determine. In the other constituency or constituencies the result of the election shall be determined as if no votes had been recorded for him, and the candidate securing the next highest number of votes shall be declared elected.

31. *Report of results of elections to Government.*—The final result of every election to the District Board shall be reported to the Government by the Deputy Commissioner along with his recommendations for filling up the required number of places by nomination or appointment, under Sections 6 and 13 of the Regulation respectively.

32. *Custody and destruction of voting papers.*—(1) When the voting papers have been scrutinised and counted, they shall be replaced in the ballot box from which they were taken, and the Deputy Commissioner shall cause the box, after being locked and sealed, to be kept in the respective taluk treasuries in safe custody for a period of 3 months from the date of the publication of the result of the election, under rule 29. The voting papers shall then be destroyed unless an application regarding the election is made to the District Judge under Section 14 of the Regulation.

(2) On receipt from any person of a written intimation that he has made an application regarding the election as aforesaid, the Deputy Commissioner shall cause the voting papers to be kept pending the final disposal of the said application and in such cases the ballot boxes and the voting papers shall not be opened and their contents shall not be inspected or produced except under the orders of a competent court.

33. *Bye-elections*—A member of the District Board elected by a special constituency shall vacate his office on his ceasing to be a member of the enfranchised association, and his seat shall be deemed to be vacant. Within two months of the report of a vacancy which has to be filled up by the election of a member by a general or special constituency the Deputy Commissioner shall fix, as soon as conveniently may be, a date for the holding of an election to fill the vacancy. Persons whose names are entered in the list of voters published under rule 12, unless disqualified in the meantime, shall alone be entitled to vote at such a bye-election, and the foregoing rules shall apply, so far as may be, to such a bye-election.

By Order,

B. NAGAPPA.

Secretary to Government
Local and Legislative Departments.